

# **EXHIBIT**

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Aronberg Goldgehn Davis &  
Garmisa  
330 North Wabash Ave., Suite  
1700  
Chicago, Illinois 60611-3586  
TEL: 312-755-9600  
FAX: 312-828-9635  
www.agdglaw.com

M. "Chip" De Preter  
DIRECT: 312-755-3153  
DIRECT FAX: 312-222-6364  
cdepreter@agdglaw.com

June 3, 2022

**FRE 408**

Via EMail

Maryam N. Hadden  
Parlatore Law Group  
One World Trade Center, Suite 8500  
New York, NY 10007

**RE: Notice of Unauthorized Use of "AMPLIFYCARWASH.COM"**

Maryam:

Thank you for your letter of May 25, 2022 and your confirmation of representation.

Your allegation of a "potential infringement" of your client's alleged "distinctive mark and reputation" is without merit. First, it is not clear what alleged mark your client purports to own. Are you claiming to own a trademark for "car wash advisors" or "car wash advisory"? In either case, we see no basis for any concern as neither could be considered a trademark. Both phrases are entirely descriptive of a company that advises car washes—exactly the business of your client. Your letter provides no substantive basis for any other determination. Furthermore, our client's use of the phrase "car wash advisors" is done in a descriptive, informative manner specifically for the purpose of describing to customer what our clients business does, namely advising car washes. Thus, even if your client had trademark rights, our client's use of the phrase falls squarely within the protected use of such descriptive language. See 15 U.S.C. § 1115(b)(4)(It is a defense to any infringement that the accused use "is a use, otherwise than as a mark ... which is descriptive of and used fairly and in good faith only to describe the goods or services of such party").

By contrast, our client has spent considerable resources into the development and promotion of its arbitrary AMPLIFY mark which your client is now infringing. You do not contest that your client began using AMPLIFY in connection with its business after our client had begun its use. Indeed, your letter provides no defense whatsoever to your client's infringing



actions. Your client's continued use of [amplifycarwash.com](http://amplifycarwash.com) is a willful violation of our client's rights.

Once again, we demand that you notify us in writing within **7 days** (June 10, 2022) that Car Wash Advisory LLC has ceased all use of the "AMPLIFY" mark, has ceased using the Infringing Domain ([www.amplifycarwash.com](http://www.amplifycarwash.com)) to redirect consumers to your client's website [www.carwashadvisory.com](http://www.carwashadvisory.com), and that your client will transfer the Infringing Domain and any other domain containing the AMPLIFY mark to our client's control.

Contrary to your letter, our client is providing significant consideration for resolving this matter immediately and without Court intervention. Specifically, our client is willing to forego its entitlement to monetary damages, treble damages, your client's profits, our client's attorney's fees, corrective advertising, and/or statutory damages. In view of your client's lack of any defense, and attempt to perpetuate its infringing activity based on a threat of retaliatory action, we have little doubts that we would succeed in establishing our client's entitlement to enhanced damages for willful infringement.

Once again, we look forward to receiving your prompt cooperation with these requests. Nothing in this letter should be construed as a waiver, relinquishment or election of rights or remedies by our client or its related entities. Amplify and its related entities expressly reserve all rights and remedies under all applicable federal and state laws.

Best Regards,

A handwritten signature in black ink, appearing to read 'M. Chip De Preter', with a long horizontal flourish extending to the right.

M. Chip De Preter